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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/597,210 06/20/00 SUZUKI

T 684.2173.CI

EXAMINER

MM91/0430

FITZPATRICK CELLA HARPER & SCINTO  
277 PARK AVENUE  
NEW YORK NY 10172

GRAINGER, Q

ART UNIT

PAPER NUMBER

2852

DATE MAILED:

04/30/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Applicant No.

09/597,210

Applicant(s)

SUZUKI ET AL.

Examiner

Quana Grainger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 20 June 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/521,835.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

The preliminary amendment requested that claims 1-28 be canceled. However, only claims 1-27 were active in the application. Accordingly, newly submitted claims 29-48 has been renumbered as claims 28-47.

### ***Information Disclosure Statement***

The information disclosure statement filed 6-20-2000 has been considered.

### ***Claim Objections***

Claims 28-41 are objected to because claim 29 recites "the other image" in lines 11-12, which lack antecedent basis. Claim 30 is unclear, please review for content. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasahara et al. The image forming apparatus by Kasahara et al. comprises an image bearing member; image forming means for forming a toner image on said image bearing member, wherein the toner image is transferred onto a transfer medium from said image bearing member; density detecting means 39 for detecting a density of the toner image transferred to the transfer medium; and image forming condition control

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means for controlling an image forming condition by said image forming means based on the detection output of said density detection means, wherein a transfer intensity is changeable in accordance with a density of the other image for density detection formed on said image bearing member by said image forming means when the toner image for density detection is transfer from said image bearing member to the transfer medium (column 5, line 55 – column 6, line 29). The transfer intensity when the toner image for density detection has a maximum density image formed on said image bearing member by said image forming means is transferred onto the transfer medium than when the toner image for density detection having a halftone density image formed on said image bearing member by said image forming means is transferred onto the transfer medium. The image forming means includes exposure means for exposing a surface of said image bearing member, which has been electrically charged to in accordance with image information with an exposure amount, which is changeable in accordance with the density of the toner image formed on said image bearing member by said image forming means (column 6, lines 22-29). The surface potential of said image bearing member exposed by said exposure means is changeable in accordance with a density of the total image for density detection to be formed on said image bearing member by said image forming means (column 6, lines 22-29). The transfer intensity when the toner image for density detection is transferred onto the transfer medium is changeable in accordance with a tone gradation level of the toner image formed on said image bearing member by said image forming means. The image forming means includes exposure means for exposing a surface of said image bearing member which has been

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electrically charged to in accordance with image information with an exposure amount which is changeable in accordance with the density of the toner image for density detection to be formed on said image bearing member by said image forming means (column 6, lines 22-29). The apparatus further comprising transfer means supplied with a voltage to transfer the toner image, wherein the transfer intensity is a voltage supplied to said transfer means. The apparatus further comprising image forming condition control means for controlling an image forming condition by said image forming means based on the detection output of said density detecting means. The apparatus further comprising developing means for developing a latent image formed on said image bearing member, wherein said image forming condition control means controls a voltage applied to said developing means on the basis of the detection output of said density detecting means.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 37-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasahara et al. in view of Hattori et al. Kasahara et al. does not teach an ambient condition detecting means and does not teach adjusting image forming means based on this detection.

Hattori et al. teaches that in order to provide high image quality, it is known in the art to include an ambient condition detecting means to adjust image forming condition based on the ambient conditions. It would have been obvious to one of ordinary skill in the art to adjust the image forming conditions based on ambient conditions to ensure the proper image quality.

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kodama et al. and Yamaguchi teach adjusting the transfer intensity based on detected conditions.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana Grainger whose telephone number is 703 308-7616. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 703 308-1373. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703 305-3230 for regular communications and 703 305-3230 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



QG

April 26, 2001